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FACSIMILE COVER PAGE

To: Petition Branch
Fax No.: 703.308.6916
No. of Pages: 18
Sender: DANA L. TANGREN
Subject: see attached
Our File No.: 14254.50 Serial No. 10/003,971
Date: October 8, 2003

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PATENT APPLICATION

Docket No.: 14254.50

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard Donald Gunn et al.

Serial No: 10/003,971

Confirmation No.: 6628

Filed: **November 2, 2001**

For: **APPARATUS AND METHODS FOR
MONITORING EMISSIONS**

Examiner: Timothy J. Moran

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PETITIONS OFFICE

CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that the following documents are being facsimile transmitted to the United States Patent and Trademark Office at facsimile no. 703.308.6916, on the 8th day of October 2003.

- Petition Under 37 CFR § 1.182 for Consideration of Previously Submitted IDS Reference (3 pages)
- Form PTO-2038 submitting Credit Card Payment in the amount of \$130 for petition
- Copy of previously filed Form PTO-1449 (4 pages)
- Copy of Abstract of Japanese Patent No. JP 52-137875
- Copy of returned postcard (1 page)
- Form PTO-1449 listing 1 reference with a copy of that reference (2 pages)

Respectfully submitted,

DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246

022913

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

PTO-2038 (02-2000)

Approved for use through 01/31/2000. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

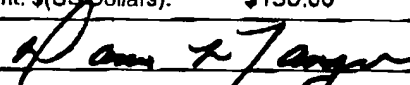
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PETITIONS OFFICE

United States Patent & Trademark Office
Credit Card Payment Form
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Credit Card Information			
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Credit Card Account #:	3728 975859 72002		
Credit Card Expiration Date:	08/04		
Name as it Appears on Credit Card:	Dana L. Tangren		
Payment Amount: \$(US Dollars):	\$130.00		
Signature:			Date: 08/08/2003
<small>Refund Policy: The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not be entitled a party to a refund of such fee. The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR 1.26). Refund of a fee paid by credit card will be via credit to the credit card account. Service Charge: There is a 50.00 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)).</small>			
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Street Address 1:	1000 Eagle Gate Tower		
Street Address 2:	60 East South Temple		
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Request and Payment Information			
Description of Request and Payment Information:			
Petition fee			
Patent Fee	Patent Maintenance Fee	Trademark Fee	Other Fee
Application No. 10/003,971	Application No.	Serial No.	IDON Customer No.
Patent No.	Patent No.	Registration No.	
Attorney Docket No. 14254.50		Identify or Describe Mark	

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Examiner: Timothy J. Moran

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PETITIONS OFFICE

Commissioner for Patents
PO Box 1450
Arlington, Virginia 22313-1450

Dear Sir:

On February 12, 2002, applicant filed an Information Disclosure Statement (hereinafter "IDS") in the above-identified patent application. Accompanying the IDS was a Form PTO-1449 specifically identifying forty two references. Attached as Exhibit A is a copy of the Form PTO-1449 as filed. Listed as reference number 42 on the Form PTO-1449 under the heading "Other Documents" is "Abstract of Japanese Patent No. JP 52-137875, published August 8, 1984. (Hereinafter referred to as "the '875 Japanese abstract"). A copy of the '875 Japanese abstract as filed is attached hereto as Exhibit B.

Also filed with the IDS was a copy of each of the forty two references identified on the Form PTO-1449. In support of applicant's position that all forty two references, including the

'875 Japanese abstract, were filed with the IDS, attached hereto as Exhibit C is a return postcard that was submitted with the IDS. The postcard states that the items submitted included "Form PTO-1449 listing 42 references with a copy of each reference." The postcard is stamped received by the United States Patent and Trademark Office on February 26, 2002 supporting that all forty two references were received by the United States Patent and Trademark Office.

On September 22, 2003 a Notice of Allowability was issued from the United States Patent and Trademark Office for the above-identified patent application. Accompanying the Notice was a copy of the Form PTO-1449 acknowledging receipt and consideration of all of the forty two references except the '875 Japanese abstract. The Notice of Allowability stated the following:

The Information Disclosure Statement filed February 26, 2002 fails to comply the 37 CFR § 1.98(a)(2), which requires a legible copy of each US and foreign patent; each publication for that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Specifically, no copy of Japanese Patent No. JP-137875 has been filed. It has been placed in the application filed, but the information referred to therein has not been considered.

Initially, applicant notes that it did not assert that it had submitted a copy of Japanese Patent No JP-137875 but rather that it had submitted a copy of the abstract of Japanese Patent No. JP 59-137875. Furthermore, applicant asserts that it did in fact submit a copy of the '875 Japanese abstract as supported by the returned postcard referenced above. As such, the abstract was either missed by the examiner or lost by the United States Patent and Trademark Office after submission.

In view of the forgoing, applicant respectfully petitions that the Examiner consider and acknowledge the '875 Japanese abstract (attached as Exhibit D) in the present application such

that the '875 Japanese abstract will be identified on the front of the corresponding issued patent. As all of the other references have been considered and acknowledged by the examiner, also attached as Exhibit D is a new Form PTO-1449 solely listing the '875 Japanese abstract. Applicant requests that a copy of the Form initialed by the Examiner be returned to the applicant after consideration of the reference by the Examiner.

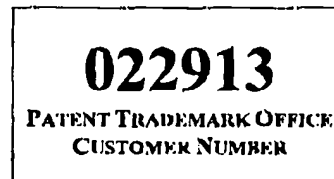
Finally, to facilitate consideration of this petition, also enclosed please find a Form PTO-2038 submitting the petition fee of \$130. The Office is hereby authorized to apply any overpayment or deduct any additional fee from Deposit Account No. 23-3178.

Dated this 8th day of October 2003.

Respectfully submitted,



DANA L. TANGREN
Attorney for Applicant
Registration No. 37,246



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EXHIBIT A

Form PTO-1449

Applicant: Richard Donald Gunn et al.

Serial No.: 10/003,971

Filing Date: November 2, 2001

For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR
MONITORING EMISSIONS

Sheet 1 of 4

Confirmation No.: 6628

Att'y Docket No.: 14254.50

Group: 2878

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
<u>T.M.</u> 1	4,264,816	04/28/1981	Walenta
<u>T.M.</u> 2	4,267,446	05/02/1981	Brown et al.
<u>T.M.</u> 3	4,426,580	01/17/1984	Smith
<u>T.M.</u> 4	4,740,730	04/26/1988	Uda et al.
<u>T.M.</u> 5	4,788,430	11/29/1988	Gonthier
<u>T.M.</u> 6	4,814,608	03/21/1989	Dempsey et al.
<u>T.M.</u> 7	4,853,536	08/01/1989	Dempsey et al.
<u>T.M.</u> 8	4,859,854	08/22/1989	Kershner et al.
<u>T.M.</u> 9	4,970,391	11/13/1990	Uber, III
<u>T.M.</u> 10	4,992,658	02/12/1991	Ramsey, Jr. et al.
<u>T.M.</u> 11	5,008,540	04/16/1991	Dempsey
<u>T.M.</u> 12	5,053,624	10/01/1991	Kronenberg
<u>T.M.</u> 13	5,055,674	10/08/1991	Kotrappa
<u>T.M.</u> 14	5,059,803	10/22/1991	Kronenberg
<u>T.M.</u> 15	5,107,108	04/21/1992	Ramsey et al.
<u>T.M.</u> 16	5,126,567	06/30/1992	Dempsey et al.

Examiner:

Smith, Susan

Date Considered:

Sept. 7, 2003

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449

Applicant: Richard Donald Gunn et al.
 Serial No.: 10/003,971
 Filing Date: November 2, 2001
 For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR
 MONITORING EMISSIONS

Sheet 2 of 4
 Confirmation No.: 6628
 Att'y Docket No.: 14254.50
 Group: 2878

Examiner Initial*	Document Number	Issue Date	Name
<u>T.M.</u> 17	5,128,540	07/07/1992	Stieff
<u>T.M.</u> 18	5,184,019	02/02/1993	MacArthur et al.
<u>T.M.</u> 19	5,187,370	02/16/1993	MacArthur et al.
<u>T.M.</u> 20	5,194,737	03/16/1993	MacArthur et al.
<u>T.M.</u> 21	5,281,824	01/25/1994	MacArthur et al.
<u>T.M.</u> 22	5,311,025	05/10/1994	MacArthur et al.
<u>T.M.</u> 23	5,371,363	12/06/1994	Lilimpakis
<u>T.M.</u> 24	5,426,305	06/20/1995	Siebert, Jr. et al.
<u>T.M.</u> 25	5,514,872	05/07/1996	Bolton et al.
<u>T.M.</u> 26	5,525,804	06/11/1996	MacArthur et al.
<u>T.M.</u> 27	5,539,208	07/23/1996	Overhoff
<u>T.M.</u> 28	5,550,381	08/27/1996	Bolton et al.
<u>T.M.</u> 29	5,663,567	09/02/1997	Steadman et al.
<u>T.M.</u> 30	5,679,958	10/21/1997	MacArthur
<u>T.M.</u> 31	5,877,502	03/02/1999	Koster et al.

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Examiner: *Y. M. Gunn*Date Considered: *Sept. 7, 2003*

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449

Applicant: Richard Donald Gunn et al.

Serial No.: 10/003,971

Filing Date: November 2, 2001

For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR MONITORING EMISSIONS

Sheet 3 of 4

Confirmation No.: 6628

Att'y Docket No.: 14254.50

Group: 2878

Foreign Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Publication Date</u>	<u>Country or Patent Office</u>	<u>Translation</u>
<u>T.M.</u> 32	857005	12/21/1960	Great Britain	N/A
<u>T.M.</u> 33	1,090,745	11/15/1967	Great Britain	N/A
<u>T.M.</u> 34	2 202 369 A	09/21/1988	Great Britain	N/A
<u>T.M.</u> 35	2 301 222 A	11/27/1996	Great Britain	N/A
<u>T.M.</u> 36	2 337 110 A	11/10/1999	Great Britain	N/A
<u>T.M.</u> 37	2 337 153 A	11/10/1999	Great Britain	N/A
<u>T.M.</u> 38	2 337 156 A	11/10/1999	Great Britain	N/A
<u>T.M.</u> 39	2 338 060 A	12/808/1999	Great Britain	N/A
<u>T.M.</u> 40	WO 97/45754	12/04/1997	PCT	N/A
<u>T.M.</u> 41	WO 98/38531	09/03/1998	PCT	N/A

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Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

42 Abstract of Japanese Patent No. JP 59-137875, published August 8, 1984.

Examiner: Timothy Brown Date Considered: Sept. 7, 2003

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

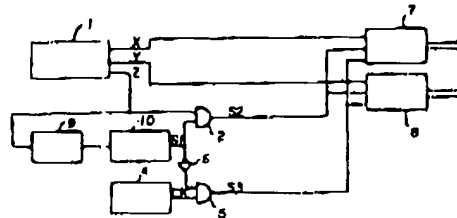
EXHIBIT B

(54) A/D CONVERSION CIRCUIT FOR SCINTILLATION CAMERA

(11) 58-137874 (A) (43) 8.8.1984 (19) JP
 (21) Appl. No. 58-10625 (22) 27.1.1983
 (71) HITACHI MEDEIKO K.K. (72) MASA AKI OUCHI
 (51) Int. Cl. G01T1/164, A61B6/00, G01T1/17

PURPOSE: To achieve a high performance digital conversion by including a counting rate meter for measuring counting rate of incident γ ray and a control circuit for controlling the number of digitized bits according to the counting rate.

CONSTITUTION: Data counts per unit time, namely, counting rate of incident γ rays is measured with a counting rate meter 9 by a Z signal Z outputted from a position calculating circuit 1. A gate control circuit 10 receives signal from the counting rate meter 9 and sets a prohibition time so that an A/D conversion clock s_1 will be outputted from the second AND gate 5 by the same number as the number of digitized bits predetermined according to the counting rate obtained to output a conversion prohibiting signal s_1 .



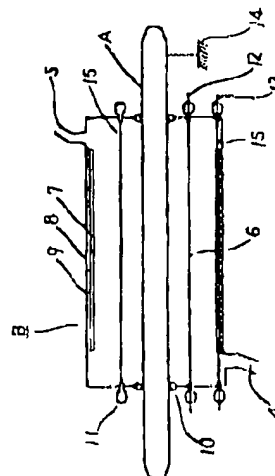
1, clock generation circuit; 7, first A/D converter; 8, second A/D converter

(54) MEASUREMENT OF SURFACE POLLUTION DENSITY FOR NUCLEAR FUEL ELEMENT

(11) 59-137875 (A) (43) 8.8.1984 (19) JP
 (21) Appl. No. 58-12011 (22) 27.1.1983
 (71) GENSHI NENRIYOU KOGYO K.K. (72) HISAO KUMATOU(2)
 (51) Int. Cl. G01T1/169, G21C17/06

PURPOSE: To elevate the detection efficiency and the detection limit by fetching and measuring a signal of α radiation released from a surface pollutant of a nuclear fuel element from between the element and a core wire wound there-around.

CONSTITUTION: A nuclear fuel element A is introduced into a surface pollution detector section B and a counting gas flows to a gas outlet 5 from a gas inlet 4 to replace the inside of the detector section B. A voltage is applied to a tungsten core wire 6 and a copper outer cylinder 7 via a steel wire section 15 and conductors 12 and 13 and counting is started with the nuclear fuel element A grounded 14. The tungsten core wire 6 and the copper outer cylinder 7 act as cathode as against the nuclear fuel element A grounded. As a result, α ray from a fuel material attached to the surface of the nuclear element A flies out to the cathode, secondary particles gathered with the tungsten core wire 6 and the nuclear fuel element A and after the amplification and shaping of a waveform, counts the value to be measured.

**(54) SMALL TYPE PROXIMITY SENSOR**

(11) 59-137877 (A) (43) 8.8.1984 (19) JP
 (21) Appl. No. 58-12393 (22) 27.1.1983
 (71) SENSAA GIJUTSU KENKYUSHO K.K. (72) MASAKI NAKASUGA
 (51) Int. Cl. G01Y3/10, G01D6/18, H01H36/00, H03K17/05

PURPOSE: To reduce the diameter of a detection head to less than 3mm by causing an oscillation with a transformer type oscillation circuit having a coil buried direct into a metal pipe in a detection head separating high frequency oscillation type proximity sensor.

CONSTITUTION: An oscillation output generated from an oscillation circuit 5 having a primary side of a transformer type coil 3 and a resonance circuit in a resonance condenser 4 is fed to a detection coil 1 through a cable 2 from the secondary side of the transformer type coil 3. An eddy current loss in a metal detection body approaching the detection coil is detected depending on a high frequency magnetic field generated with the detection coil 1 as change in the oscillation amplitude. A detection head section is made up of a coil 9 buried direct into a metal pipe 10 thereby enabling reduction in the diameter.

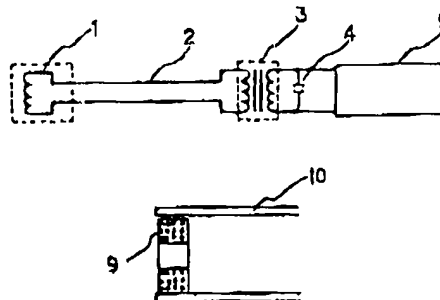


EXHIBIT C

TO THE UNITED STATES PATENT AND
TRADEMARK OFFICE, PLEASE STAMP AND
RETURN. THANK YOU.

SUBMITTED: Transmittal letter for Information
Disclosure Statement (3 pages); Information Disclosure
Statement (2 pages); Form PTO-1449 listing 42
references with a copy of each reference; Certificate of
Deposit

Applicant: Richard Donald Gunn et al.

Title: IMPROVEMENTS IN AND RELATING
TO APPARATUS AND METHODS
FOR MONITORING EMISSIONS

Serial No.: 10/003,971

Filing Date: November 2, 2001

Docket No.: 14254.50

Mailed: February 12, 2002

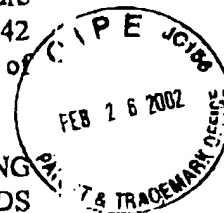


EXHIBIT D

Form PTO-1449

Applicant: Richard Donald Gunn et al.
Serial No.: 10/003,971
Filing Date: November 2, 2001
For: IMPROVEMENTS IN AND RELATING TO APPARATUS AND METHODS FOR
MONITORING EMISSIONS

Sheet 1 of 2
Confirmation No.: 6628
Att'y Docket No.: 14254.50
Group: 2878

INFORMATION DISCLOSURE CITATIONS MADE BY APPLICANTU.S. Patent Documents

<u>Examiner Initial*</u>	<u>Document Number</u>	<u>Issue Date</u>	<u>Name</u>
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Foreign Patent Documents

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Other Documents

(including author, title, pertinent pages, etc.)

Examiner
Initial*

____ 1 Abstract of Japanese Patent No. JP 59-137875, published August 8, 1984.

Examiner:

Date Considered:

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609, draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Form PTO-1449 *

Applicant: Richard Donald Gunn et al.
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MONITORING EMISSIONS

Sheet 2 of 2
Confirmation No.: 6628
Att'y Docket No.: 14254.50
Group: 2878

References Cited by Applicants

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

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Examiner:

Date Considered:

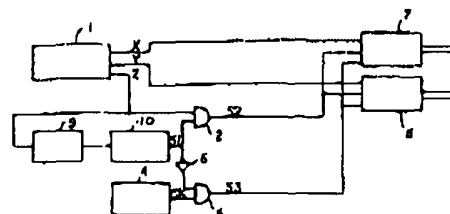
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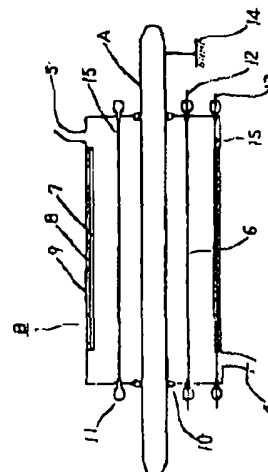
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